

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims amendments

Claim 20 has been amended to recite an enzymatically active GFAT including a human sequence wherein a tag sequence is inserted in specific regions corresponding to the sequences SEQ ID NO: 8, 10 or 12.

Claims 21-30 have been cancelled. Claims 26-30 have been cancelled by this amendment.

Claim 31 has been amended to re-insert the term "nucleic".

Claims 32-36 have been not been amended by this paper.

Rejection Under 35 USC §112, Second Paragraph

Claims 31 and 32 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Official Action asserts that the term "An isolated acid" is unclear for failing to point out and distinctly claim the subject matter that the applicant regards as the invention. However, this term has been amended to recite "An isolated nucleic acid", which clearly sets forth the invention being claimed.

The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

Claims 20, 26-29, and 33-36 have been rejected under 35 USC §112, first paragraph as not being enabled. This rejection is respectfully traversed.

The Official Action asserts that not all embodiments recited in the claims are enabled, but that the claims are enabled for the proteins and vectors set forth in page 3, lines 8-13 of the Official Action.

The comments in the Official Action have been considered and claim 20 has been amended to recite:

- SEQ ID NO: 8, consisting of a sequence SEQ ID NO: 2 in which a hexa-histidine is inserted between amino acids 299 and 300, or
- SEQ ID NO: 10, consisting of a sequence SEQ ID NO: 4 in which a hexa-histidine is inserted between amino acids 300 and 301, or
- SEQ ID NO: 12, consisting of a sequence SEQ ID NO: 6 in which a hexa-histidine is inserted between amino acids 317 and 318.

That is, the claims have been restricted to the GFAT proteins having a HIS tag inserted between 2 consecutive amino acids, and that are represented by sequences SEQ ID NO: 8, SEQ ID NO: 10 and SEQ ID NO: 12.

As a consequence, from the invention as claimed, the person with ordinary skill has sufficient guidance and predictability information to provide the claimed His tagged GFAT proteins.

The present invention is thus sufficiently described in the disclosure, and one of ordinary skill can practice the present invention without recourse to undue experimentation.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

CONCLUSION

The rejections are believed to be overcome, obviated or rendered moot, and no issues remain. The Examiner is respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Gozner/
Robert E. Gozner, Reg. No. 42,593
Customer No. 00466
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297

REG/fb